

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
April 10, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Kellie Doherty, Personnel Officer; Cathi Bond, Facilities; Matt Johnson, County Attorney; Judie Tilman, Headwaters RC&D; Rod Caldwell, USGS; Craig Osterman, Treasure State Alliance; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Celia Wolny, Ernie Kennison

REPORTS

Receipt of March expense and revenue reports from the Clerk and Recorder.

CALENDAR REVIEW

- 4/12 CTAC - Whitehall - 8:00
Headwaters - Butte - 1:00
Library Board - Whitehall - 6:30
- 4/13 Metal Mines Grant Committee - Whitehall - 10:00

COMMISSION REPORTS

SOLID WASTE

Commissioner Weber reported that on Wednesday, he went to White Sulphur Springs to discuss with them their solid waste issues and our metal pile and how we worked with DEQ. They also discussed how to reduce their waste stream.

ELKHORN TREATMENT CENTER

Commissioner Weber reported that he spoke at the grand opening of the Elkhorn Treatment Center the previous day. He stated that he is amazed that the facility was built in 10 months.

PUBLIC RIGHTS-OF-WAY

Commissioner Weber reported that the last evening meeting regarding public rights-of-way was held the previous night in Whitehall. He stated that about 20 people were in attendance, and they heard some good comments.

UNION CONTRACTS

Commissioner Weber reported that the Commission received a first offer from Teamsters that
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morning, regarding contract negotiations.

EASEMENT REQUEST

Commissioner Notbohm reported that he received a call the previous week from Gary Howard of the Forest Service. The Forest Service is working on a continental divide trail, and the County owns two mining claims that the Forest Service is requesting an easement across. Commissioner Notbohm stated that he asked for support in the Elkhorn Cemetery issue, and was told that this has to go to DC. He asked what the access is to the mining claims, and was told that they only need to provide "reasonable access".

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

KELLIE DOHERTY - DISCUSS AND DECIDE ON PROPOSAL FOR JEFFERSON COUNTY TO PAY HEALTH INSURANCE BENEFITS FOR EMPLOYEES ON MEDICAL LEAVE

Kellie stated that when the county recently switched insurance plans, we lost a valuable item. The Teamsters covered an employee on worker's comp for three months. They have tried to get EBMS to do the same, but they will not. She would recommend a change to the personnel policy, stating that the County will pay for three months insurance after all sick and vacation time has been expended. This would be for employees only.

Commissioner Notbohm stated that this was not written in the Teamsters contract, so there was nothing to negotiate when we were changing policies. Kellie stated that she did some research, and found that a past employee was very ill and was covered for nine months. After that, they decided to cap the coverage at three months, which is what she is proposing. Commissioner Weber stated that worker's comp, as he recalls, requires an employee to be out six days before it kicks in.

Commissioner Lythgoe moved to concur with Kellie's recommendation as it relates to the benefit, and that this be added to the personnel policy. Commissioner Notbohm seconded. The motion carried.

Kellie stated that there is one employee that is currently out on worker's comp and she would like him to be covered also. All were fine with this.

REQUEST FOR PILT FUNDS FOR PURCHASE OF COPIER FOR SHERIFF'S OFFICE

Craig Doolittle, County Sheriff, stated that for the past three or four months, they have been piecing their copier together, and they are running out of parts. He has been trying to make it to the next budget year, but this isn't going to happen. He is requesting \$5,125 for the purchase of a new copier.

Commissioner Lythgoe moved to grant Craig's request for PILT in the amount of \$5,125 for the purchase of a new copier. Commissioner Notbohm seconded, and asked if the money could be found elsewhere in Craig's budget. Craig stated that it could not. The motion carried.

DISCUSS AND DECIDE ON FUNDING FOR PRELIMINARY GRANT FOR ASSESSMENT OF URANIUM IN GROUND WATER IN JEFFERSON COUNTY

Judie Tilman, Headwaters RC&D, stated that she and Rod Caldwell of DNRC are in attendance to discuss a groundwater assessment in Jefferson County. The Conservation District has a grant available that requires a 50-50 match. USGS has the funds to provide the match, but they are \$1,500 short for the administration funds. Rod stated that the grant can provide \$13,500 and they can match that. This will be enough to test 40 wells and will provide baseline data. In Clancy, 9 of the 27 wells that they tested, tested high for uranium levels for humans. They hope to expand on the study and test throughout the county. Commissioner Weber asked how often this program is available. Judie stated that it is usually on a quarterly basis. Commissioner Notbohm asked how long it would take to do the study. Rod stated that this would be a very basic study. When they get the money they can start sampling. It will take about a week to test the 40 wells. The tests will be sent to the lab, and it can take up to six months to get the results. When the reports are returned, these will be given to the landowners, and the results will be in their published report in April 2008. Commissioner Notbohm asked if they will be doing any municipal testing. Rod stated that this is a different system. Commissioner Weber asked if they will be testing at the well head. Rod said that they will be; this will be a more environmental test. They will be able to make the public aware and also give them ways to treat the water.

Ernie Kennison asked that if someone's well tests high for uranium, if there is any financial help to citizens for treatment. Rod stated that there is nothing available from USGS, but he is not sure about other agencies. Ernie asked if they will only be testing residential wells. Rod stated that they would like to do possibly 30 random wells and 10 specific. It is important to educate people and give them options. Commissioner Lythgoe asked if the high levels are treatable. Rod answered that they are in most cases.

Commissioner Lythgoe moved to approve \$1,500 from PILT for match for a 223 grant. Commissioner Notbohm seconded. The motion carried.

DISCUSS CARE OF MONTANA CITY PARK IN SADDLE MOUNTAIN 2 & 3 SUBDIVISIONS

Craig Doolittle, County Sheriff, stated that he wanted to start by saying that he used to live by the park, so he can talk about it, but what prompted this discussion is that a person stopped him and requested that he speak to the Commission. People would like to use the park, but there is a ATV trail that goes through the park, and the 4-wheelers spin brodies in the ball field and are tearing up the grass in the picnic area. He was asked that the County provide signs to keep vehicles in the middle of the parking area. There are local residents that will help keep up the park, put up signs and keep an eye on the park. People are also interested in using the ballfield. Commissioner Weber asked who owns the ground outside of the park that would be part of the ATV trail. Craig stated that he is not sure; the ATV trail goes out of the park area. Commissioner Lythgoe stated that he has also talked to someone several times about this, and they discussed this in the road meeting that morning also. Joe is going to place signs and put up fencing to keep ATVs out of the park area. He noted that there are also cash-in-lieu monies available. The Facilities Department has no money or staff to maintain the park, but he feels that they can use the parks money to contract with someone to maintain the park. He feels that it is time that Jefferson County step up and use the money to maintain this park, as it is something

that people use. Matt stated that this is not so much an ATV trail as a trail for bikers and runners too. He noted that weeds are a problem. Commissioner Lythgoe stated that Sam has been up there spraying. Craig stated that he feels that they could get some assistance from the homeowners association or a ball club, from the indications he got from Mr. Pickens.

Commissioner Notbohm asked who put in the existing fixtures. Commissioner Lythgoe stated that it was a partnership between the homeowners association and Jefferson County. Commissioner Weber stated that he is concerned with the trail, and asked who owns it. Craig stated that he thinks that the park goes all the way up the hill. Commissioner Lythgoe stated that his concern is keeping vehicles out of the park. Matt stated that he thinks that the park goes all the way up to the county road. There is one person who has made three or four loops.

Kathi Bond, Facilities Manager, asked if there is any way to clear an area from the parking area up to the trail to keep ATVs out of the park. It was discussed that ownership of the land that the trail is on needs to be determined.

Commissioner Weber stated that this topic is on the agenda for discussion only. He asked Commissioner Lythgoe to work on a proposal to bring forward. Craig stated that he can take pictures and then meet with Commissioner Lythgoe, Kathi, Joe and Harold. Commissioner Lythgoe stressed that this is a county park and stated that a partnership would be great if it can be made to happen, but the county needs to spend some money to upgrade and maintain this park. Craig noted that if the park is blocked off to keep vehicles out, it would help with maintenance.

CRAIG OSTERMAN - TREASURE STATE ALLIANCE - DISCUSS JEFFERSON COUNTY BEING INVOLVED IN ROADLESS PETITION

Craig Osterman, Treasure State Alliance, stated that he is meeting with counties to gauge interest in moving forward with a petition to the Forest Service on management of public land in Montana. He presented a copy of the Flathead County petition as an example of a good petition. The end goal is that Montanans will have a say in the outcome. He is trying to get 10 to 12 counties on-board. If he can do this, he will write a petition, hopefully the first week of May. Commissioner Weber stated that this is not a decision item on the agenda, and he would like to have a final draft before the Commission when they are to act on this. Craig should be able to tell by the Commission's response to the governor what their stance is. He asked what the time frame is. Craig stated that he hopes to have the first draft done the beginning of May, and asked if it is okay to work with the Commission through e-mail. Commissioner Weber stated that this would be fine.

Commissioner Notbohm asked if they are trying to get the ruling overturned. Craig stated that President Bush's plan is being appealed, and Wyoming is appealing Clinton's plan. They are in a quagmire right now. Commissioner Weber stated that the governor won't submit a petition, so this will go to Mark Rey. Craig stated that they want to let Montanan's voices be heard. Seventeen counties, Jefferson County included, said that they wanted more management options.

Commissioner Weber stated that several weeks ago Beaverhead County called a meeting of all of the counties in the Beaverhead-Deer Lodge National Forest regarding the partnership plan. At the gathering, they discussing that each county needs to discuss wilderness in their county. The

counties are getting together and talking about this, rather than going it alone. He asked Craig if the other counties that he has talked to were comfortable with seeing the document in draft form, making their edits and sending it back, or do they feel that it would be better to get together and hammer something out. Craig answered that he is not sure how to work this. He would prefer to get the draft out and then get everyone together.

Commissioner Weber stated that he would be more than happy to look at a draft proposal. Craig asked if the time-line is okay. Commissioner Weber stated that it is fine; they will look at the draft and then put this back on an agenda.

Celia Wolney asked some questions for clarification, the first being the make-up of the Treasure State Alliance. Craig listed the groups involved. Celia asked if they are interested in gaining more access. Craig answered not necessarily. Celia asked Commissioner Weber how they are going to get the public involved. Commissioner Weber stated that what they did in the past was to discuss at a meeting and they also had at least one evening meeting, and drew up a response of what they felt was appropriate for the county.

Ernie asked, for clarification, if 17 counties got together and did a petition. Craig stated that Flathead County did the most in-depth process; they did a petition and formed a task force. Most counties wrote a letter to the governor to request that he petition the President for flexible management in roadless areas. This issue is deeper than just access however, there is a management component also.

DISCUSSION OF PARKLAND INVENTORY

Commissioner Weber stated that the reason this is on the agenda is that the County gets many small pieces of land when a major subdivision is done, as the developer can dedicate land as parkland, or give cash-in-lieu. The County owns all of these little parks, but we don't know how many or where they are. If the County wants to sell any of these parcels, we will need to have a complete inventory. Usually what gets dedicated as parkland is a very poor piece of ground, such as a gully. Celia asked about the reasoning behind the parkland dedication. Commissioner Weber stated that this came out of an urban requirement to leave some open space, but it affects the entire county. They want to be able to sell these parcels to adjoining landowners and use the money to maintain usable parks. Celia asked if the parcels will be offered to the homeowner's associations first. Commissioner Weber stated that they would.

Ernie Kennison asked if during the subdivision process, the County has any say in determining what piece of ground is designated as parkland. Commissioner Weber stated that the County has no say, and the ground doesn't even have to be usable. Ernie asked if the land could be used for a community garden. Commissioner Weber stated that this is an appropriate use, and would be a good use of the land. Commissioner Notbohm stated that in most cases, they would love to turn these parcels over to others. This is an unfunded mandate, and he would bet that next to none of these parcels are usable land. Commissioner Weber stated that they need to do a parkland inventory before they can divest this property. Celia stated that the Commission needs to remember that use of land is different for different people. If she had young children, they would prefer to play in the undeveloped gully. Commissioner Notbohm stated that they need to keep this on the agenda and decide how to deal with this.

OPPORTUNITY FOR PUBLIC COMMENT

Jan Anderson asked if the road resolution is on the agenda yet. Commissioner Weber answered not yet. The Commission received some pointed questions at the last meeting that he will be looking in to. This will be on at least two more Commission agendas.

Ernie stated, regarding the right-of-way discussion, Sam Samson mentioned several times the road inventory and expressed disappointment that it was not kept up. If that is the case, he asked if the Commission is open to volunteers coming in and doing research. Commissioner Weber stated that the Commission is always open to volunteers, and noted that Sam's research has been kept up. These are public records that are available for anyone to look at. Ernie stated that he would like to volunteer if needed, if given clear direction. Commissioner Weber stated that this would be great. Commissioner Notbohm stated that it is a little difficult. A lot of people have worked on this over the years and some pieces are missing. They are finding more roads.

Commissioner Notbohm moved to adjourn. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER